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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GIL ELNATAN,

Plaintiff,

vs.

DANIEL PERLA, DOES 1 through 10,

Defendants.

Case No.: 2:19-cv-00171-JAD-CWH

**STIPULATION AND ORDER RE:  
WITHDRAWAL OF MOTION TO  
REMAND (ECF NO. 8), MOTION TO  
DISMISS PURSUANT TO F.R.C.P. 12(b)  
(ECF NO. 21), AND MOTION FOR  
LEAVE TO AMEND COMPLAINT (ECF  
NO. 27); AND RE: FILING OF SECOND  
AMENDED COMPLAINT**

The parties, by and through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, on December 12, 2018, Plaintiff Gil Elnatan ("Plaintiff") filed a complaint against Defendant Daniel Perla ("Defendant") in the Eighth Judicial District Court for Clark County, Nevada;

WHEREAS, Plaintiff filed an Amended Complaint on January 10, 2019;

WHEREAS, on January 29, 2019, Defendant removed this action to the United States District Court, District of Nevada;

WHEREAS, on February 1, 2019, Plaintiff filed a Motion to Remand (ECF No. 8);

WHEREAS, on February 11, 2019, Defendant filed a Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No. 21);

1 WHEREAS, on February 25, 2019, Plaintiff filed a Motion for Leave to Amend  
2 Complaint (ECF No. 27);

3 WHEREAS, the Motion to Remand (ECF No. 8), Motion to Dismiss Pursuant to  
4 F.R.C.P. 12(b) (ECF No. 21), and the Motion for Leave to Amend Complaint (ECF No. 27) have  
5 not been heard by the Court;

6 WHEREAS, the Parties have been engaged in discussions regarding the Motion to  
7 Remand (ECF No. 8), Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No. 21), and Motion  
8 for Leave to Amend Complaint (ECF No. 27);

9 WHEREAS, NOW THEREFORE, the Parties hereby jointly stipulate and request as  
10 follows:

- 11 1. Plaintiff hereby withdraws his Motion to Remand (ECF No. 8) and Motion for Leave to  
12 Amend Complaint (ECF No. 27);
- 13 2. Defendant hereby withdraws his Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No.  
14 21);
- 15 3. Defendant hereby consents to Plaintiff filing a Second Amended Complaint to dismiss  
16 his claim for injunctive relief and add injunctive relief as a component of his prayer for  
17 relief; and
- 18 4. The hearing on Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No. 21)  
19 set for March 11, 2019 at 2 p.m. is vacated.

20 IT IS SO STIPULATED.

21  
22 DATED: this 7<sup>th</sup> day of March, 2019.

23 **COOK & KELESIS, LTD.**

24 By: /s/ Marc P. Cook  
25 Marc P. Cook, Esq.  
26 Nevada State Bar No. 04574  
27 517 South Ninth Street  
28 Las Vegas, NV 89101  
*Attorneys for Defendant*

DATED: this 7<sup>th</sup> day of March, 2019.

**BACKUS, CARRANZA & BURDEN**

By: /s/ Leland Eugene Backus  
Leland Eugene Backus, Esq.  
Nevada State Bar No. 00473  
3050 South Durango Drive  
Las Vegas, NV 89117  
*Attorneys for Plaintiff*

**ORDER**

The Court, having read and considered the above Stipulation and with good cause appearing, orders as follows:

1. The Stipulation is APPROVED;
2. Plaintiff's Motion to Remand (ECF No. 8) is withdrawn;
3. Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No. 21) is withdrawn;
4. Plaintiff's Motion for Leave to Amend Complaint (ECF No. 27) is withdrawn;
5. Plaintiff shall have leave to file a Second Amended Complaint within ten (10) days after entry of this order; and
5. The hearing on Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b) (ECF No. 21) set for March 11, 2019 at 2 p.m. shall be VACATED.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE

DATED: \_\_ 3/7/2019